

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT SEWARD

RUTH EAMES,

Plaintiff,

v.

SAFEWAY, INC., dba an Alaska Corporation,
and ALBERTSONS COMPANIES, INC., dba
an Alaska Corporation,

Defendants.

RECEIVED
AUG 03 2021

Dorsey & Whitney LLP
Anchorage

Case No. 3SW-21- 00047 CI

COMPLAINT

Plaintiff Ruth Eames, by and through her counsels of record, LAW OFFICE OF ROBERT STONE, LLC, and Alexander Kammer, *Esq.* of ATTERBURY, KAMMER & HAAG S.C., and for her Complaint against Defendants, states and alleges as follows:

PARTIES

1. Plaintiff Ruth Eames was a resident of the State of Wisconsin at all times pertinent hereto.

2. Plaintiff Ruth Eames, while shopping at the Safeway store located at 1907 Seward Highway in Seward, Alaska 99664, slipped on blueberry that was on the floor, which caused Plaintiff Ruth Eames to fall to the ground and sustain serious bodily injuries. Plaintiff seeks damages from Safeway, Inc., dba an Alaska Corporation, and Albertsons Companies, Inc., dba an Alaska Corporation. Because of the complex

Complaint

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Exhibit 2

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business structures and obligations between business entities, the parties named in this Complaint are those believed to be responsible for the conditions that gave rise to Plaintiff's injuries. If discovery reveals that one of the named Defendants were not responsible for the conditions that gave rise to Plaintiff's injuries, that named Defendant will be dismissed with prejudice.

3. Upon information and belief, Defendant Safeway, Inc., dba an Alaska Corporation, is a duly licensed business operating within the State of Alaska, Third Judicial District, and was at all times relevant to this litigation.

4. Upon information and belief, Defendant Albertsons Companies, Inc., dba an Alaska Corporation, is a duly licensed business operating within the State of Alaska, Third Judicial District, and was at all times relevant to this litigation.

JURISDICTION AND VENUE

5. Plaintiff Ruth Eames sustained damages in an amount greater than \$100,000

6. The act giving rise to this cause of action occurred in Seward, Alaska.

7. The Court has subject matter jurisdiction.

8. The Court has personal jurisdiction over the parties to this action.

9. Venue in the Third Judicial District is proper.

FACTUAL BASIS FOR COMPLAINT

10. On or about August 2, 2019, Plaintiff Ruth Eames was shopping at the Safeway store located at 1907 Seward Highway in Seward, Alaska 99664.

11. While walking into the produce section, Plaintiff Ruth Eames slipped on blueberry that was on the floor, which caused Plaintiff Ruth Eames to fall to the ground and sustain serious bodily injuries.

12. The incident was the direct and proximate result of Defendants' negligence.

13. Defendants failed to ensure that the store aisles where Plaintiff Ruth Eames fell and sustained injuries were reasonably free of hazards.

14. Defendants failed to provide any sort of warning of the hazardous condition which led to Plaintiff Ruth Eames' injuries.

15. Defendants failed to properly supervise, direct, and oversee the work performed in the store aisles by other unnamed employees.

16. It was reasonably foreseeable that Plaintiff Ruth Eames, or someone similarly situated, would use the store aisles in a manner similar to Plaintiff Ruth Eames.

17. It was reasonably foreseeable that someone could slip and fall. Defendants were under a duty to take reasonable care to keep the store aisles clear and free of hazards.

18. As a result of the above-reference incident, Plaintiff Ruth Eames suffered damages, including but not limit to medical expenses, pain and suffering, loss of wages, loss of enjoyment of like, and other damages, all in an amount greater than \$100,000, the exact amount to be proven at trial. These damages were sustained as a direct and proximate result of Defendants' actions and their failure to act.

FIRST CAUSE OF ACTION - NEGLIGENCE

19. Plaintiff Ruth Eames incorporates by reference all allegations contained in paragraphs 1 -18.

20. Defendants had a duty to properly maintain the store aisles and to provide a safe environment for Plaintiff as a customer of its business. Defendants breached that duty by failing to properly maintain the store aisles and allowing unsafe conditions to exist.

21. Defendants had a duty to warn any customer of the Safeway building of unsafe conditions which could reasonably cause injury. Defendants breached that duty by failing to warn Plaintiff of the blueberry existing on the floor of the Safeway store aisle.

22. The failure to warn Plaintiff of the dangerous conditions existing on the floor of the Safeway store aisle, the failure to properly maintain the store aisle to keep it clear and free of hazards, and the failure to otherwise provide a safe environment for Plaintiff as a customer of its business, constitutes negligence on the part of Defendants.

23. As a proximate result of Defendants' negligence, Plaintiff suffered damages.

WHEREFORE, having stated her Complaint, Plaintiff Ruth Eames prays for relief against Defendants as follows:

1. For general and special damages for Plaintiff in an amount greater than \$100,000, the exact amount to be proven at trial;

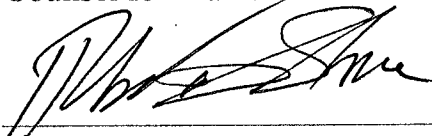
2. For pre-judgment and post-judgment interest at the maximum rate allowable by law;

3. For Plaintiff's costs and attorney fees incurred in pursuing this action; and,

4. For such other and further relief as the Court may deem just and equitable.

RESPECTFULLY SUBMITTED this 20th day of July, 2021, at Anchorage, Alaska.

LAW OFFICE OF ROBERT STONE, LLC
Co-Counsel for Plaintiff

By: 

Robert D. Stone, *Esq.*
Alaska Bar No. 9411128

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Eames v. Safeway, Inc. and Albertsons Co.
CASE DESCRIPTION – SUPERIOR COURT

Case Number: 3SW-21- 00047 CI

Type of Action	For Court Use Only	
Check the box that best describes the case. Mark one box only. For district court cases, use form CIV-125D.	Case Type	Action Code
Domestic Relations		
Divorce With Children (or Pregnant)	Div or Cust w/Children	CISDVC
Divorce Without Children	Divorce Without Children	CISDIV
Uncontested Divorce With Children (or Pregnant)	Div or Cust w/Children	CISUDVC
Uncontested Divorce Without Children	Divorce Without Children	CISUDIV
Custody (Unmarried Parents)	Div or Cust w/Children	CISCUS
Uncontested Custody (Unmarried Parents)	Div or Cust w/Children	CISUCUS
Visitation by Person Other than Parent	Domestic Relations Other	CIVIS
Property Division – Unmarried Partners	Domestic Relations Other	CISPROP
Legal Separation With Children (or Pregnant)	Legal Separation	CICLS
Legal Separation Without Children	Legal Separation	CISLS
Annulment	Domestic Relations Other	CIANNUL
Uncontested Legal Separation with Children (or Pregnant)	Legal Separation	CIUCLS
Uncontested Legal Separation Without Children	Legal Separation	CIUSLS
Paternity - Establishment	Domestic Relations Other	CISPAT
Paternity - Disestablishment	Domestic Relations Other	CIDPAT
Genetic Testing - Failure to Comply with Order for Testing	Domestic Relations Other	CIOSCP
Administrative Child Support Order – Modification or Enforcement	Domestic Relations Other	CIPCS
PFD or Native Dividend Case	Domestic Relations Other	CIPND
Foreign Support Order - Registration, Modification or Enforcement under AS 25.25	Domestic Relations Other	CIUFSA
Foreign Custody Order – Registration, Modification or Enforcement under AS 25.30	Domestic Relations Other	DR483
<u>Both</u> Foreign Custody & Support Order – Registration, Modification or Enforcement under AS 25.30 and AS 25.25	Domestic Relations Other	CIFCS
Foreign Domestic Relations Order (Not Custody or Support) – Registration, Modification or Enforcement	Domestic Relations Other	CIDRFJ
Landlord/Tenant		
Eviction (May Include Rent or Damages)	Eviction-Superior Court	CISFED
Other Landlord/Tenant (No Eviction)	Civil Superior Court	CISLT
Debt/Contract		
Debt Collection	Civil Superior Court	CISDEB
Claim by Buyer Against Seller of Goods/Services	Civil Superior Court	CISCLAIM
Employment – Discrimination	Civil Superior Court	CISEMPD
Employment – Other Than Discrimination	Civil Superior Court	CISEMP
Other Contract	Civil Superior Court	CISOCT
Real Property Actions		
Condemnation	Civil Superior Court	CISCNDM
Foreclosure	Civil Superior Court	CISFOR
Quiet Title	Civil Superior Court	CISQIT
Real Property Tax Foreclosure	Superior Court Misc Petition	CISTAX
Other Real Estate Matter	Civil Superior Court	CISREM
Foreign Judgment		
Registration of Foreign Judgment – SEE DOMESTIC RELATIONS FOR FOREIGN SUPPORT/CUSTODY ORDERS	Foreign Judgment Superior Ct	CISFOJ

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Type of Action		For Court Use Only	
Check the box that best describes the case. Mark one box only. For district court cases, use form CIV-125D.		Case Type	Action Code
Tort			
<input type="checkbox"/>	Wrongful Death	Civil Superior Court	CISPID
<input type="checkbox"/>	Automobile Tort (But Not Wrongful Death)	Civil Superior Court	CISIDA
<input type="checkbox"/>	Claim Against Owner of Real Property for Personal Injury	Civil Superior Court	CISPIO
<input type="checkbox"/>	Product Liability	Civil Superior Court	CISPL
<input type="checkbox"/>	Intentional Tort (e.g., assault, battery, vandalism)	Civil Superior Court	CISIT
<input type="checkbox"/>	Slander/Libel/Defamation	Civil Superior Court	CISSLD
<input checked="" type="checkbox"/>	Other Tort	Civil Superior Court	CISIDO
<input type="checkbox"/>	Approval of Minor Settlement – Civil Petition <i>May also be filed as probate case.</i>	Superior Court Misc Petition	CISPET
Malpractice			
<input type="checkbox"/>	Legal Malpractice	Civil Superior Court	CISLMP
<input type="checkbox"/>	Medical Malpractice	Civil Superior Court	CISMMP
<input type="checkbox"/>	Other Malpractice	Civil Superior Court	CISOMP
Other Civil			
<input type="checkbox"/>	Election Contest or Recount Appeal	Civil Superior Court	CISELE
<input type="checkbox"/>	Change of Name - Adult	Change of Name	CICON
<input type="checkbox"/>	Change of Name - Minor	Change of Name	CICONM
<input type="checkbox"/>	Confession of Judgment	Civil Superior Court	CISCCONF
<input type="checkbox"/>	Structured Settlement – AS 09.60.200	Superior Court Misc Petition	CISSS
<input type="checkbox"/>	Administrative Agency Proceeding – Request for Court Assistance	Superior Court Misc Petition	CISWRNT
<input type="checkbox"/>	Arbitration - Action Under Uniform Arbitration Act	Civil Superior Court	CISAP
<input type="checkbox"/>	Fraud	Civil Superior Court	CISFRAUD
<input type="checkbox"/>	Unfair Trade Practice and Consumer Protection	Civil Superior Court Clerk: Issue form CIV-128	CISUTP
<input type="checkbox"/>	Writ of Habeas Corpus	Civil Superior Court	CIWHC
<input type="checkbox"/>	Fish & Game - Abatement & Forfeiture of Equipment	Superior Court Misc Petition	CISAF
<input type="checkbox"/>	Appointment of Trustee Counsel	Superior Court Misc Petition	CISTC
<input type="checkbox"/>	Action Under Alaska Securities Act	Civil Superior Court	CISASA
<input type="checkbox"/>	Other Superior Court Complaint	Civil Superior Court	CISOCI
<input type="checkbox"/>	Other Superior Court Petition	Superior Court Misc Petition	CISPET
Post-Conviction Relief to Superior Court			
<input type="checkbox"/>	Post-Conviction Relief	Post-Conviction Relief-Sup Ct	CISPCR
Appeal to Superior Court - From Administrative Agency			
<input type="checkbox"/>	Election Contest or Recount Appeal – SEE OTHER CIVIL		
<input type="checkbox"/>	DMV Appeal	Appeal from Admin Agency	CIADDMV
<input type="checkbox"/>	Employment Security Appeal	Appeal from Admin Agency	CIADRESA
<input type="checkbox"/>	Administrative Agency Appeal - Other	Appeal from Admin Agency	CIADR
<input type="checkbox"/>	CSSD License Review Action	Petition for Review or Relief	CICSED
<input type="checkbox"/>	Petition for Review from Administrative Agency	Petition for Review or Relief	CIPRA
<input type="checkbox"/>	Petition for Relief from Administrative Agency – AS 44.62.305	Petition for Review or Relief	CIPRLF
Appeal to Superior Court - From District Court			
<input type="checkbox"/>	Civil Appeal	Appeal from District Court	CIACI2
<input type="checkbox"/>	Criminal Appeal	Appeal from District Court	CIACRM
<input type="checkbox"/>	Minor Offense Appeal	Appeal from District Court	CIAMO
<input type="checkbox"/>	Small Claims Appeal	Appeal from District Court	CIASC
<input type="checkbox"/>	Petition for Review from Civil, Criminal, or Minor Offense Case	Petition for Review or Relief	CIPRD2
<input type="checkbox"/>	Petition for Review from Small Claims	Petition for Review or Relief	CIPRSC

COUNSEL OF RECORD
Eames v. Safeway, Inc. and Albertsons Co.

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KEEP ON TOP OF FILE

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